

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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BRICKLAYERS INSURANCE AND  
WELFARE FUND, et al.,

Plaintiffs,

NOT FOR PUBLICATION

MEMORANDUM AND ORDER

-against-

08 CV 4362 (CBA) (CLP)

PRECISE BRICK, INC.,

Defendant.

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AMON, United States District Judge:

On April 24, 2009, the Honorable Dora Irizarry, United States District Judge, referred plaintiff's motion for entry of default judgment to the Honorable Cheryl Pollak, United States Magistrate Judge. On June 9, 2009, the instant case was reassigned to this Court. This Court received Magistrate Judge Pollak's well-reasoned Report and Recommendation ("R&R") dated November 5, 2009, recommending that plaintiff's motion for entry of default judgment be granted and calculating the amount of damages to be awarded to plaintiffs.

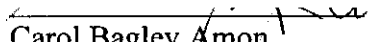
Magistrate Judge Pollak calculated the following damages: (1) \$721, 995.68 in delinquent ERISA Fund contributions; (2) \$59,036.03 in delinquent non-ERISA Fund contributions; (3) \$115, 315.57 in interest on the delinquent ERISA Fund, plus the additional interest that has accrued from the date of the R&R until the entry of judgment; (4) \$9,406.35 in interest on the non-ERISA Fund contributions, plus the additional interest that has accrued from the date of the R&R until the entry of judgment; (5) \$144,339.14 in liquidated damages; and (6) \$350.000 in filing costs, for a total award of \$1,050,442.77. Magistrate Judge Pollak did not award

attorney's fees because plaintiffs did not provide sufficient information upon which the court could base such an award, but allowed plaintiffs five business from the date of the R&R with which to re-file any supporting information. Plaintiffs have not provided further information.

As no party has objected to the R&R and the calculation of damages, the Court hereby adopts the Report and Recommendation of November 5, 2009 as the opinion of the Court. The Clerk of the Court is directed to enter judgment in accordance with this Order and to close the case.

SO ORDERED.

Dated: Brooklyn, New York  
December 16, 2009

s/Hon. Carol B. Amon  
  
Carol Bagley Amon  
United States District Judge

cc: Precise Brick Inc.  
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